October 15, 2001

Jon Heinrich
Department of Natural Resources
101 S. Webster Street
Madison, WI 53707

RE: AM-27-01

Dear Mr. Heinrich:

Thank you for giving us this opportunity to comment on Wisconsin's proposed mercury rule (AM-27-01) and share our experience with mercury regulation in Minnesota. The Izaak Walton League of America is a national organization of 50,000 anglers, hunters and conservationists committed to responsible environmental stewardship, including more than 1300 members in Wisconsin.

We are concerned about unregulated mercury emissions from electric utilities because many of our members are active anglers and cannot eat their catch without serious risk to their health or the health of their families. It is well documented that mercury is a potent neurotoxin for both humans and wildlife. Even at low levels, mercury interferes with the development of the nervous system, especially during prenatal development and in early childhood.

We also know that several human populations in Wisconsin eat disproportionately high quantities of fish that contain potentially high levels of mercury. Sport anglers and their families consume fish on a more regular basis than those who do not fish. Subsistence anglers and their families are also more susceptible. This group includes Native Americans and Southeast Asian Americans.

All of Wisconsin's lakes are now covered by a fish consumption advisory. Pregnant women, nursing mothers, women of childbearing age and children under 15 have to severely limit the amount of sport fish they eat.

Wildlife is also negatively impacted. Researchers from the University of Wisconsin, La Crosse, and elsewhere in the country have been engaged in studying the harmful effects of mercury levels in loons and other predatory wildlife that feed primarily on fish. Decreased rates of reproduction and other behavioral abnormalities have been observed.

In some ways, the League agrees with industry, mercury emissions are an economic issue – but we need to be vocal about *negative* economic impacts due to mercury emissions. Not only is

mercury a public health and wildlife health issue, but Wisconsin is a popular destination for sports fishermen and women. The tourism industry is strongly dependent on the quality of those lakes and rivers for attracting visitors who will spend money in the state.

According to a recent study by the American Sport Fishing Association, the overall economic impact of fresh water sport fishing in Wisconsin in 1996 was $2.1 billion[1]. Wisconsin anglers directly spent over $1 billion that year. These are significant expenditures that bring revenue to resorts and small businesses and provide an estimated 45,000 jobs. Whole sectors of the economy should not be compromised because of a pollutant that we can address.

The Wisconsin Department of Natural Resources (DNR) is moving in the right direction by addressing harmful mercury pollution and looking out for human and wildlife health concerns – but the time frame in which to achieve the reductions is too lax for such a serious pollutant. The DNR's proposed rule requires utilities to reduce their emissions 90 percent in 15 years, in effect by the year 2017. Bipartisan federal bills in Congress are calling for 90 percent reductions by 2007. Wisconsin can do better than 2017. The Izaak Walton League supports a 90 percent reduction in mercury emissions by 2010 from 1995 levels.

Minnesota Mercury Reduction Agreement

As you probably know, we are in a unique situation in Minnesota. In 1999, the Minnesota Legislature passed voluntary mercury reduction legislation, requiring a 60 percent reduction in mercury emissions by 2000 and a 70 percent reduction by 2005, based on 1990 emissions levels.

The Minnesota Pollution Control Agency (PCA), the agency responsible for overseeing the program, looks at mercury emissions from three categories:

- Purposeful Use covers everything from mercury in compact fluorescent light bulbs to mercury used as a fungicide in paint to mercury released from broken thermometers.

- Material Processing represents taconite industry stack emissions – the mercury is released after the ore is rolled into pellets and heated at a high temperature to harden them so they can be shipped to the blast furnaces to make iron.

- Energy Production is essentially from coal and oil. Roughly 90 percent of the emissions are from coal combustion and about 10 percent from oil refining

In the coming weeks, the PCA will be releasing their first progress report of this initiative to the state legislature. It is expected that the PCA will announce the state has met its first tier goal of a 60 percent reduction – but not because of an altruistic effort on the part of electric utilities or other industries to reduce their emissions. The enclosed chart is the PCA's best guess as to what the mercury situation in Minnesota looks like. This is preliminary data that will be finalized when they release their report to the legislature in the coming weeks.

[1] American Sports Fishing Association, 1998. *The Economic Importance of Sport Fishing*.

As you can see, there have been mercury reductions in Minnesota, though it is not at all clear that the voluntary mercury reduction agreement had anything to do with these reductions. There have been a few unique situations that have resulted in the reductions:

- First, there was a problem with assumptions in the original 1990 mercury inventory; namely, mercury in paint was grossly underestimated, by an order of magnitude;

- Second, the federal government banned mercury use in paint and batteries in 1992, so not only does the inventory reflect those mandated reductions, the scale of those reductions from that sector seems much larger because of the original miscalculation in the inventory;

- Third, the federal government has mandated reductions of mercury from the solid and municipal waste incinerator sectors; and,

- Finally, we have had the unfortunate experience of losing some of our taconite industry. Due to worldwide economic factors, some taconite plants were forced to close, resulting in small reductions in that category.

Focusing on the bottom third of graphic, you can see the general trend for mercury from electric utilities is flat or increasing since 1990. At one point, the PCA built a new coal plant into their assumptions for the projection of mercury emissions. A new biomass/natural gas/coal plant has been proposed in Northern Minnesota but will likely not be completed by 2005. Regardless of whether or not a new coal plant is constructed or built into the agency assumptions, the PCA still expects energy related mercury emissions to increase slightly or, at best, remain flat through 2005.

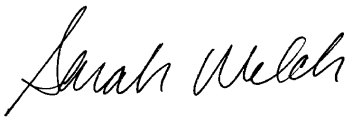
The PCA has stated that compared to 1990, coal use has gone up around nine percent and the mercury emissions from coal have gone up about three percent. The discrepancy in those percentages can be explained by coal use shifting from some smaller plants that shut down to some other, larger plants. In addition, Minnesota Power began using a lower-mercury coal in 1999 as part of its voluntary agreement.

However, simply because some product uses of mercury have been banned and some industries have shut their operations does not mean that a voluntary approach to mercury reductions is or is not an effective strategy. At this early stage, no one should be claiming that the voluntary mercury reduction initiative in Minnesota is a success. Minnesota's reductions so far are the result of chance, a federal level crackdown on some purposeful uses of mercury, and federal regulation of mercury emissions in other industrial sectors. The electric utilities in Minnesota have done little to date but review their purchasing agreements, urge their employees to turn in mercury thermometers and conduct mass balance studies.

The jury is still very much out as to the usefulness of voluntary reduction agreements. At first glance, the data compiled by the PCA seem to indicate that electric utilities have not yet done anything substantive to reduce their mercury emissions.

Because mercury is a serious public health and economic issue, and because mercury emissions do not respect state political boundaries, the Izaak Walton League urges the DNR to adopt a strong mercury rule to protect public health and the environment.

Sincerely,



Sarah Welch
Izaak Walton League of America, Midwest Office

Enclosure